



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In The Application of

Date: September 1, 2005

Keng-Yu Shih, et al.

Group Art Unit: 1755

Serial No.: 10/633,509

Examiner: Jennine Brown

Filed: August 5, 2003

Docket No.: W-9459-02

For: Active, heterogeneous bi- or tri-dentate catalyst

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR RE-ISSUANCE OF UN-RECEIVED OFFICE ACTION

Attorney for Applicant requests to determine that the subject application is not abandoned, to determine the present status of the subject application and to have the Office Action that was presumably issued by the USPTO on January 18, 2005 be reissued and delivered to Attorney for Applicants.

On or about August 17, 2005, Examiner Jennine Brown contacted the offices of Attorney for Applicant to make a courtesy inquiry with respect to Applicants intent to abandon the subject application in view of non-response to an Office Action issued January 18, 2005.

During a reply telephone conference on August 30, 2005, Examiner Brown informed Attorney for Applicants that said Office Action was issued as Notice of Non-Compliant Amendment because the Amendment filed on October 18, 2005 by Applicant failed to meet the requirements of 37 CFR 1.121(h). At the request of Attorney for Applicant, the Examiner provided, by facsimile, a copy of the Office Action to Attorney. A copy of same is attached hereto as **Attachment A**

Attorney for Applicants submits that the Office Action of January 18, 2005 was not received at the addressed office of-

Howard J. Troffkin
W.R. Grace & Co.-Conn
Patent Department
7500 Grace Drive
Columbia, MD 21044-4098

Attorney for Applicants herewith declares that the file of the subject application has been reviewed and it does not contain a Notice of Non-Compliant Amendment nor an indication that same was entered therein. Further, a thorough check of the docket maintained for all items received at the above address shows that no Office Action was received. A copy of the dockets internally published by the Office Docket Clerk on January 14, 2005; February 1, 2005; and February 16, 2005 (The three dockets issued during the month subsequent to the mailing of the Notice) are attached hereto as "**Attachment B; Attachment C; and Attachment D**". If such Notice was received, it would have been an item on the docket as each item of mail is first reviewed and entered by the Office Docketing Clerk. It is respectfully submitted that the Notice was not received by Attorney for Applicant.

The Office Action states that:

"Applicant has not amended the new claim properly, as any claims added by amendment must be presented in the claim listing with the status identifier "(new)"; the text of the claim must not be underlined. Note the newly added claim is underlined."

Attorney for Applicants herewith submits, as **Attachment E**, a copy of the claims in proper form according to 37 CFR 1.121 (h).

Attorney for Applicant submits that without receipt of the subject Notice, he is of the belief that the subject application is pending in the US Patent Office for further review by the Examiner and that nothing is presently due from Applicant.

Attorney for Applicants requests that the US Patent & Trademark Office reissue the Notice of Non-Compliant Amendment with a current date of issue to provide Attorney for Applicants a prescribed time to timely respond thereto. It is also requested that the Examiner contact the Attorney to confirm that the subject application is not abandoned and will be considered for further prosecution upon the filing of Attachment E as part of a response to the newly issued Notice.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Howard Troffkin", with a long, sweeping horizontal line extending to the right.

Howard Troffkin
Attorney for Applicants
Reg. No. 25,184

Telephone: 301-299-9326

Facsimile: 301-299-4575

cc: R. Woodruff (Grace)